IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1649
	)	
NYKJAER, et al.	)	Examiner: MACFARLANE, S.
	)	
Serial No.: 10/539,443	)	Washington, D.C.
	)	
Filed: June 20, 2005	)	October 4, 2007
	)	
For: MODULATION OF ACTIVITY OF NEUROTROPHINS	)	Docket No.: NYKJAER=1
	)	
	)	Confirmation No.: 6823

ELECTION WITH PARTIAL TRAVERSE

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Sir:

In response to the restriction requirement mailed September 11, 2007, applicants respond as follows.

1. In response to the group level restriction, applicants elect group 10 (method of treatment using antibody v. SEQ ID NO:1), with traverse.

2. The group-level restriction was imposed on the basis of a holding of a posteriori lack of unity in view of Jacobsen, et al.

2.1. Analyzing the Jacobsen reference cited by the Examiner, it is apparent that Jacobsen do indeed on page 22789, paragraphs 3 to 4 teach raising of antibodies against the propeptide of SorLA and against a section of the Vps10p-domain of SorLA with the aim of detecting said propeptide and said section of the receptor by Western Blot experiments. Thus, Jacobsen teaches a compound that binds to a Vps10p-domain family receptor, however there is no disclosure in Jacobsen of treatment of any disease, let alone treatment using the antibody raised, since the antibody is merely raised to capture the receptor.

Groups 1-11 are all methods of treatments, differentiated

on the basis of the therapeutic agent:

Group	Agent
1	SEQ ID NO:1 (sortilin)
2	SEQ ID NO:2 (SorLA)
3	SEQ ID NO:6 NGF
4	SEQ ID NO:7 BDNF
5	SEQ ID NO:8 neutrophin-3
6	SEQ ID NO:9 neutrophin-4
7	SEQ ID NO:10 neurotensin
8	SEQ ID NO:11 neuromedin
9	SEQ ID NO:13 pro-neurotensin/pro-neuromedin
10	antibody vs. SEQ ID NO:1
11	antisense RNA or DNA.

Since Jacobsen et al. does not disclose or suggest therapeutic use of SorLA, it cannot anticipate or render obvious, by itself, the subject matter of claim 1, which links method of treatment groups 1-11.

Hence, the restriction among groups 1-11 is respectfully traversed.

2.2. Group 17 is directed to a pharmaceutical composition comprising an antibody directed against amino acids 612-740 of SEQ ID NO:1. It thus has a product/method of use relationship to the elected group 10, and is properly joined with group 10 in accordance with PCT Administrative Instructions, Annex B, paragraph (e)(i).

2.3. The restriction between groups 14 and 15 is improper because of the subcombination/combination relationship between them, see Annex B, paragraph (c)(i). No showing has been made that subcombination (group 14) fails to avoid the prior art, see (c)(ii).

3. In response to the species restriction requirement, applicants make the following elections with traverse.

3.1. For claims 5 and 47, a neurotrophin: NGF.

3.2. For claims 7-11 and 48, a receptor: Sortilin.

3.3. For claims 33-35, 37, 40-44, a disease: "injury and/or dysfunction of the central and/or peripheral nervous system".

The species restrictions are traversed on the ground that generic claims are allowable.

4. The elected group (10) consists of claims 1-5, 7, 10, 11, 13-25, 27-37 and 40-45.

All of these claims read on the elected neurotrophin.

All of these claims read on the elected receptor.

Claims 33 ("neuronal disorders") 34, 35 ("peripheral neuropathy"), 37 ("nerve damage"), 40 ("neurogenative disorders"), 41 ("motoneuron disorders"), and 42 ("neuropathy") read on the elected disease.

It is believed that all group 10 claims except 44 and possibly 43 ("depression or mania") read on the elected disease. For the moment we treat 43 as unelected, but we ask the examiner to consider whether "depression or mania" is a "dysfunction of the central and/or peripheral nervous system" and, if so, join claim 24.

Respectfully submitted,

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